

Minutes of Regular Meeting of January 13, 2015

One Twin Pines Lane, City Hall and Hilton Hotel on International Drive, 8122 Arrezzo Way, Orlando, FL 32821 (teleconference location of Councilmember Lieberman)

CALL TO ORDER 7:10 P.M.

ROLL CALL

Council Present: Wright, Reed, Lieberman (via Skype), Stone, Braunstein

Council Absent: None

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Tran Tran, Belmont resident, commented regarding the zoning and the tree ordinance updates. She recommended additional amendments to the tree ordinances to address the placement of trees on residential property.

Kathleen Beasley, Library Branch Manager, commented regarding availability of inventory of electronic items for various devices. She also commented regarding online resources available through the County system. She described the New Year's Eve event that was held at the Library.

Perry Kennan, Belmont resident, commented regarding freedom of speech in the United States and noted that the Brown Act precludes some freedom of speech.

City Attorney Rennie clarified the provisions of the Brown Act and its regulation of discussion of matters outside of the open city council meeting.

Charles Merian, Belmont resident, suggested that the City Attorney encourage more vigilance regarding potential Brown Act violations by Planning Commissioners during their meetings.

COUNCILMEMBER ANNOUNCEMENTS

Councilmember Lieberman congratulated Library Manager Kathleen Beasley's efforts at the Belmont Library, especially regarding electronic materials.

Councilmember Wright outlined upcoming Carlmont High School basketball games.

Councilmember Stone noted that the Friends of the Belmont Library plays an important role in library programming. He noted that the group is in need of volunteers. He recognized the Police Department and the community's efforts regarding a recent car burglary.

Mayor Braunstein announced the upcoming General Plan Update workshop, congratulated Councilmember Stone's recent appointment to the Sam Trans Board, and advised that he would

forward information on C/CAG's (City and County Association of Governments) upcoming informational workshops on energy choices.

COMMENTS ON CONSENT CALENDAR

Councilmember Reed expressed a desire to explore ways to address the cyclical nature of the budget in the monthly reporting process.

ITEMS APPROVED ON CONSENT CALENDAR

Special and Regular City Council Minutes of November 25, 2014 and Regular City Council Minutes of December 9, 2014

Motion to Receive Monthly Financial Reports for November

Resolution 2015-001 accepting work and authorizing the issuance of a Notice of Completion to American Asphalt Repair and Resurfacing Company, Inc. for the 2014 Slurry Seal Project, City Contract Number 2014-524 for a final contract cost of \$361,053.56

Resolution 2015-002 authorizing the City Attorney to procure legal services from Jarvis, Fay, Doporto & Gibson at the rates set forth in the attachment to the resolution

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Reed, the Consent Agenda was unanimously approved.

OTHER BUSINESS

Boards and Commissions Ordinance

City Attorney Rennie outlined the proposed changes to the existing individual ordinances governing commissions. He noted that the goal is uniformity, elimination of redundancy, clarification of duties, eligibility, and timely submission of required documentation and training. He pointed out that eligibility requirements apply to current and potential new members.

He suggested eliminating the call-up provision of the planning commission of decisions of the Community Development Director. He also recommended changing the status of the youth members of the Parks and Recreation Commission to non-voting. He pointed out that they otherwise would be required to file a Form 700 Statement of Economic Interest. He noted that another option could be to eliminate the youth members from the commission and instead form a separate youth advisory committee. He also noted that the duties a Bicycle/Pedestrian Committee, required by C/CAG, will be added to the Parks and Recreation Commission.

City Attorney Rennie outlined some minor typographical changes to the proposed ordinance.

Tran Tran, Belmont resident, expressed support regarding the proposed change of role for the Finance Commission. She suggested that the Audit Committee meetings be televised or an audio recording be made available on the web.

Brigit Merian, Charles Merian, and Robert Miller, Belmont residents, expressed support for maintenance of the call-up provision for the Planning Commission.

Perry Kennan, Belmont resident, commented regarding the elimination of the Finance Commission's duties as it currently exists. He noted that the commission has not been given any projects in recent years. He suggested that the Finance Commission should be advisors to the citizens.

Karen Lynch, Belmont resident, stated that residents are not being served by the recommended changes in the ordinance. She commented regarding the support for development in Belmont.

City Attorney Rennie clarified that elimination of the call-up provision would not preclude an appeal of administrative decisions.

Discussion ensued regarding the call-up and appeal process and the proposed changes to the Finance Commission.

Finance Director Fil clarified that the proposed amendments would move the current role and function of the Finance Commission to the audit committee, which will heighten awareness of finances. He clarified that certain functions regarding financial matters, including budget oversight, rests with the City Council. He pointed out that current commissioners have specialty expertise that is being utilized at the present time.

Discussion ensued regarding the proposed changes to the various commissions.

Councilmember Lieberman stated that he discussed the potential changes to Finance Commission with its Chair, who is supportive. He noted that the elimination of the call-up provision for the Planning Commission does not remove checks and balances of planning decisions. He expressed support that any changes to the ordinance apply to current and new commissioners.

Councilmember Wright expressed support for clarity in the ordinance governing commissions. She also expressed support for making the youth commissioners non-voting members, and pointed out that it does not discount their participation. She suggested a future discussion regarding the formation of a separate youth advisory body.

Councilmember Reed expressed his desire for uniformity for all commissions, and stated that qualifications should apply to existing and future members. He expressed support for the proposed changes to the Finance Commission. He also expressed support for the elimination of the call-up provision, and noted that appeal rights are maintained. He suggested making the youth members non-voting members, and to move forward with the creation of a separate body. He questioned the need for a separate tree board.

Councilmember Stone expressed support for the proposed changes and the creation of a separate youth advisory board. He also expressed support for a future general-citizen call-up provision. He also questioned the need for a separate tree board and suggested folding its duties into the Parks and Recreation Commission. He supports having the qualifications apply to current and future commissioners, as well as the flexibility of a minimum of five members on the commission. He

noted that he met with a current Finance Commission member regarding the dissolution of that body, who stated they had no concerns.

Mayor Braunstein stated that he has supported changes to the City's commissions for several years regarding roles and expectations. He expressed support for all of the proposed changes, and that the eligibility should apply to current and future members. He concurred with other Councilmembers to eliminate the separate tree board.

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Reed, and unanimously approved to introduce the ordinance as presented and amended with text changes as outlined by City Attorney Rennie, and to set the second reading and adoption for January 27, 2015.

Discussion Regarding the Existing Campaign Finance Ordinance

City Clerk Cook noted that the City Council previously expressed a desire to make changes in the existing ordinance governing campaign financing. She outlined provisions in the current campaign finance ordinance, and stated that options include leaving the ordinance in place, amending it, or eliminating it. She explained that absent a local ordinance, extensive State regulations are in place governing campaign financing.

Councilmember Stone expressed concerns regarding the more recent Citizens United case and its potential effect on the prohibition of anything but individual contributions.

City Attorney Rennie clarified provisions of the Citizens United case. He suggested that the continued prohibition could have legal implications if challenged.

Councilmember Lieberman expressed support for maintaining a local ordinance, and concurred that some revisions are needed. He expressed support for the \$250 contribution limit, and is concerned regarding the restriction of individual contributions only. He suggested lowering the threshold for itemizing contributions. He pointed out that the additional pre-election filing is not necessary.

Councilmember Stone expressed concerns regarding lowering the threshold for itemizing contributions. He would like clarity regarding the Citizens United case as it relates to the continued prohibition of contributions from other than individuals. He could support a higher contribution limit. He pointed out that a contribution limit does not prohibit organizations from spending money for candidates separate from candidate-controlled committees.

Councilmember Reed expressed a desire to make it easier for people to run for office. He concurred regarding the elimination of the extra campaign filing. He suggested that the \$250 contribution limit is too low. He expressed support for rescinding the ordinance.

Councilmember Wright concurred that the extra campaign filing is not necessary. She expressed support for increasing the \$250 limit. She does not support lowering the itemization threshold, and pointed out that it could deter support and create animosity.

Mayor Braunstein expressed support for the current threshold for itemizing contributions, increasing the current \$250 limit, and eliminating the extra filing.

Discussion ensued.

Council concurred to continue this matter and requested that staff provide additional information regarding contributions by organizations, the impact of the Citizens United case on prohibition of anything but individual contributions, the elimination of the extra campaign finance filing, a potential limit on loans, and additional data from other cities relative to their contribution limits.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Stone reported on a Library donor fund subcommittee meeting. He noted that he attended his first Sam Trans board meeting as a new representative.

Verbal report from City Manager

City Manager Scoles announced the upcoming General Plan Update workshop. He commented regarding the Fire Department's recent open house and toy drive, and thanked Fire, Parks and Recreation, and CERT staff for their involvement.

City Council Intergovernmental Assignments for 2015

City Council discussed and made changes to their intergovernmental assignments for 2015.

ADDITIONAL PUBLIC COMMENTS

Brigit Merian, Belmont resident, commented regarding the elimination of the call-up provision in the ordinance governing the Planning Commission and how it may be affected by the proposed zone text amendments.

Councilmember Reed described the visit by second graders from Nesbit School, including their participation in a mock city council meeting.

ADJOURNMENT at this time, being 10:15 p.m.

Terri Cook, CMC
City Clerk